P.F. 32 795

G. R. S. IX-5]

Previous references. 1893-94

192

(L-R.)

File No. 905/93

Serial Nos. 1—12

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—12

Major ~~Part~~ B for July 1896.

SUBJECT.

Claim to Rifles Land in Macgregor Chittamegaloo Taluk.

WD 923—GPB—20,000—14-6-20

counterwarke

C. S. Sec. K. 1873-74

Petitioner - Legal forms & certificates
Respondent - Miscellaneous
Index

Appeal against the assessment of income tax on the profits of the business of coffee and cocoa dealers in the Colombo District for the year ending 31st March 1874.

The K. Estate Company, Limited, Colombo, carried on business as coffee and cocoa dealers in Colombo during the year ending 31st March 1874, and made up their accounts to that date. The profits of the business for the year, as shown by the accounts, were Rs. 1,30,000. The Company appealed against the assessment of income tax on the profits of the business for the year, as shown by the accounts, to the Commissioner of Income Tax, Colombo, and the Commissioner of Income Tax, Colombo, confirmed the assessment of income tax on the profits of the business for the year, as shown by the accounts, to the Company.

The Company appealed against the assessment of income tax on the profits of the business for the year, as shown by the accounts, to the Board of Review, Colombo, and the Board of Review, Colombo, confirmed the assessment of income tax on the profits of the business for the year, as shown by the accounts, to the Company.

31-7-93

	a	s
Petition Receipts	5	50
Notices issued	256	25
Summons issued & returned	30	24
Postages	10	12
Total	303	11

3

18-10-95

17-11-95

5 be issued to the Auditor to stay the sale until the question is decided. In the meantime brief of all the references bearing on the subject.

26-12-93 Thereupon notice was issued to the petitioner to appear with all the documentary evidence to substantiate his claim before the Dy. Commissioner on or before the 5th January 94.

On the 29th December 92 Coffee planter Mr. Saccavas has presented petitions both to the Auditor and the Dy. Commissioner contending that the original patta for the jungle applied for by him was that for Eeruboda, that after his demise it was in the possession of his brother Muttu Sowa who during Survey Settlement retained a portion of it and resigned the other portion now applied for, that the disputant had land at Kolgave, that there were three parcels between the disputants plantation and the jungle under dispute, that this clearly showed that the disputant had no claim over the land, and that the Survey Settlement records of 1880-81 would clearly show that the disputants objections were futile and prayed that the Complaint might be set-aside and the Land ordered to be sold.

On this the Dy. Commissioner ordered to the effect that a notice having been served on the claimant to appear and

substantiate his claim on or before the 5th January 94 no order could be issued respecting the sale of the land until his claim was considered.

On the 16th January 94 the Dy. Commissioner having examined the petitioner and gone through the patta and other documents produced by him passed the following order 17-1-94.

"Syed Sahib Mohideen presented himself and produced patta No. 5200 of 1867 granted by the late Chief Commissioner and based his claim upon the land Survey No. 44 Kadalur village on this patta.

On referring to Wasul Baki and Coffee Settlement papers of the Kadalur and Kolsave villages it is found that the patta in question does not appear in the former either in no. or name of the land, but that it appears in the latter village.

The petitioner argues that at one time the two villages were one and the same, but can bring nothing to prove this. But even supposing they were, the petitioner has in no way proved that this particular land Survey No. 44 of the Kadalur village ever belongs to his father or relations and therefore as far as this claim is concerned there appears nothing to hinder Government selling the land which is now found to have been lying waste for the last 12 years and in the name of Government, Vide Electors of 1880-81.

belongs to him, that he requested to have his land re-surveyed and given him in accordance with the boundaries mentioned in his pattah. As that was ~~[illegible]~~ deferred complains ~~with~~ pending settlement of disputes about the [illegible] land between the Government and the Mahtadar, re-surveyed adjoining the [illegible] land, that when this same land had once before been notified for sale on the [illegible] of a [illegible] Merchant Mr. [illegible] the then Dy. Commissioner ~~[illegible]~~ in his letter [illegible] the sale to be cancelled, that in 188[illegible] the above officer having ~~[illegible]~~ the re-survey and the demarcation of the boundaries of the land as per original Pattah, the Tahsildar and the District Surveyor examined the boundaries, settled the same and reported to the matter to the Dy. Commissioner who ~~[illegible]~~ the matter to be submitted [illegible] the settle-ment of the dispute of the boundary and that the only objector at that time was the Mahtadar who claimed a portion of the land adjoining the [illegible] and begged that in favour of the [illegible] and he thus prepared at the settlement made by the Tahsildar and the Dist. Surveyor the noti-fication of sale might be cancelled and the land settled on him -

On this the Dy. Commissioner passed the following order -

" As the land was advertised for auction is disputed by the Government [illegible] [illegible]

7

21-1-94

+ liège Audience publique
du 24-3-94

22-2-94

28-5-94

~~Cour~~

File No. 1

№ 13

9

Notes on the claim of Syed Sons Mohadin for the land applied for by Mr. Srinivasa Rao at Kalgar Chettinagalur Taluk.

"

The petitioner is not the Pattadar himself but the brother of the Pattadar by name Badsha Mohdin.

The Pattadar appears to have been present at the Coffee Settlement in 1881 and has been granted 80 Acres in Kolgade village (and not in Kalgar vide Mr. Meikle johns order on Wasul Baki Statement) owing to several disputes of claims

The Lands at Kalgave were reserved in but the reserve Settlement has been postponed at the instance of Mr. Strickland, Dr. Smith's Agent who requested that the Settlement should be held in abeyance till the lands

are

are handed over in accord-
ance with the decree in case
between Dr. Smith and Mr.
Britto. From the records it
appears that the lands once
owned by the Pattadar and
his mother also Pattadar
called Moorhallada. Kan
passed into the hands of Mr.
Britto and from him to
Dr. Smith.

In the suit by Mr. Britto
against Sepalli Shaik Khadri
(The Pattadar), Mr. Britto has
not actually taken over pos-
session of the lands mentioned
in the decree and likewise
Dr. Smith has not as yet.

When the Pattadar omits
not pay the Kandayam on
80 Acres Mr. Britto came
forward to pay it as being
a claimant and has been
paying, so as far as these
80 Acres in Kalgave are con-
cerned the lands have

have to be found out
marked. to see if they
within the boundaries
in the document forming
subject matter of suit
between Mr. Britto
Badeha Mohideen Bad
and Mr. Britto and
Smith.

What the Vattadar
was that he has
left out of lands called
Mora halladakkan a por
only lately given to Mr.
and the latter seems
similar allegation to re
some lands after giving
to Dr. Smith

It
cessary to dwell more
lands at Kalgave, whe
were casually dealt in
above order as it has
connection though
with the present claim
the petit

How to deal with the
im of the petitioner it does
appear how he can lay any
m in any land without
etta or possession. If he
es that he appears for
brother Cattadar it must
to the ground as the
d Cattadar already dis-
ed, confined himself to
ds at Kalgave the settle
t of which is held in
yance as stated above.

The petitioner produces
ney of Petition purporting
e a reminder for the grant
land presented by his
ther Syed Alli Shahbadri
priced within certain
ndaries and called Vrave'
Jeeno - Dandada Kan

He produces a joint patta
e name of his two mothers
his brother but the said
a gives the name of the
er as Mooballada Kan

Present:

(1) That the Executive Officer and Registrar have fair case file in charge.

(2) That Mrs. [illegible] Petitioner, file in proof of her petition and Certificate by Captain.

(3) That Mrs. [illegible] Petitioner entitled pensionary Field Force, the case of Mr. [illegible] as Registrar to the Local Officer in Tirupur.

(4) That petitioner's claim for the attached (all pensionary adjusted pending receipt of the Certificate.

Note

The official petition is in English.

Note perused in Tamil, effect on the claim. The petitioner's Tamil case may be kept in Madras herein.

VK

2

87/13

10

13

Scantlinge titles Sal Sq
S. and said Sand Sal Square
Landale titles as also.

Sir also is entitled in-
cidental titles thereto
as right as the petitioners
alleged claim.

A finding of Fact
dear Sq is to petition for
by Sq Emmanuel Rio called
Peace Sr Square (said not
Landale Esq) and in the
Court's Decree Entitle the
petitioner in the Entitle
as the entitles aforesaid.

Of the Land mentioned
in the Petition Paris is two
Lands are right to titles
the not having been given
up to Government — To this
Government Land Sq
Emmanuel Rio has applied

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 121 of 1893-94

Appellant.	Vs.	Respondent.
Syed Ghani Rahiman		C. Srinivasa Rao by Mr C. B. Gopalakrishna 1st-grade Pleader.

Notice served.
14. 5. 95.

Decision.

The appellant did not appear at the time of hearing - The voluminous record forming this file was perused - The respondent was not called upon for any statement.

The appellant urges a claim to Survey No: 14 which has been sold to the respondent for which the appellants' father is said to have unlawfully planted up their lands when the halalu system was in force and a pattā would appear where

(General Serial No. 30.)

16

2587.

1893.

Rev mm
23/8

From The Deputy Commissioner,
Kadur District.

To

The Chief Secretary to the Dewan
of Mysore.

Dated 22?

Despatched 22d August 1893.

Received

Enclosures No. one

General No. 132 } 1893-94.
No.

Has the honor to solicit the sanction of Government to the grant of land measuring 303 acres and 11 guntas out of Survey No: 14 (set-apart for free grazing of cattle) in Malgar Village Chitrinagalur) applied for by Mr. Srinivasa Row and 3 others as per margin, for Cof: for cultivation.

The extent

Applicants.	Extent. Acres. Gunt.
Mastro. G. Srinivasa Row	253 — 25
Putta Ramayya	8 — 30
Shivanna Gidlaiya	30 — 24
Syed Gayasuddin Sha Khadri	10 — 12
Total extent now applied for out of No: 14	303 — 11

The same 5274-5 of 18/8/93
A47-93

24/8

of land applied for was inspected by the undersigned and found not fit for reservation for Government purposes.

Mr. Srinivasa Row who has applied for 258 acres and 25 guntas, is, in the opinion of the undersigned, capable of bringing them under cultivation within a reasonable time.

The villagers have no objection to the grant of the land in question.

The usual formal Statement is enclosed for information.

H H Sparks
Deputy Commissioner
Madras District

even given out for those lands.
on which coffee plants were found
But there were two subsequent
settlements by the coffee acreage
settlement and the survey settlement
In neither appeal, the Sett^r or those
through whom he claims seem to
have set up any right. The
result was that the land which
was numbered 14 in the village
of Chalapara was resumed as
formal land. On an application
by the Respt the Dy Com^r decided
to grant the land for Coffee cultivation
and this action was confirmed
by Govt in order No. 5-271-5 of 18.9.93
The appellant never has had no
claim whatever for this land
and as he is also absent this
appeal is rejected.

Undersecretary

To Abdul Rahim Sahib
Esq
Khan Bahadur

15/8/95

19/8

Examined Sent & Compared

15/8/95 Dft

Taluk	District	Village	Area of Land under cultivation in the Village		Area of assessed unassessed waste		Total extent of Govt land in the Village			Extent applied for cultivation, building or other purposes			No. of Cattle in the Village	Remarks as to whether the remaining extent of Govt lands is sufficient for grazing purposes and whether the villagers have any objection to the grant of the land applied for and the grounds of their objections if any
							Survey No	Extent		Survey No	Extent			
			Ac.	G.	Ac.	G.		Ac.	G.		Ac.	G.		
Chickmagalur	Kadur	Kunchigere	118	9	33	16	12	11.6	34	14	303	11	41	The remaining extent of land is sufficient for the grazing of cattle. Villagers have no objection to the grant of the land in question.
							14	1.6	4					

Chickmagalur
22 August 1893

A.M.S.

H. H. Podley
Deputy Commissioner
Kadur District

20

5274-5 dj 18-9-93
R.7.7-93 / 21

Read:-

Docket No. 132 dated 22nd August 1893 from the Deputy Commissioner of the Kadur District, Soliciting Sanction to the appropriation for Coffee cultivation, of 303 acres and 11 guntas of land out of Formal Survey No. 14 in the Malagar Village, Hiplahobli of the Chickmagalur Taluk & Stating that Mr. C. Srinivasa Row one of the 4 applicants who has applied for 253 acres & 25 guntas is, in his opinion, capable of bringing the said extent under cultivation within a reasonable time.

Applicants.	Extent A. G.
C. Srinivasa Row	253 - 25
Putta Rangappa	8 - 30
Shivamma Siddanja	30 - 24
Syed Sayeeduddin Sha Khadri	10 - 12
Total	303 - 11

Order

Order thereon.

91

Under the circumstances stated, the appropriation for Coffee Cultivation of the lands referred to, is sanctioned, the same being disposed of under the ~~Coffee rules~~ Rules under the LR Code

Draft for approval

Chief Secy

31/8/93

To

The Commissioner,
Kadur District -

The Supdt. of Rev. Survey

19

(General Serial No. 30.)

1893

From

The Chief Secretary to the Dewan of Mysore.

To

The D. C. ~~Bangalore~~ Kadur District.
" Supdt of Rev. Survey in Mysore.

L.R. 90-93-2

Dated 18th September 1893

Despatched

Received

Enclosures No.

General No. 5274-5
No. R.T.T-93

Sanctioning the appropriation for coffee cultivation, of 303 acres 4 guntas of land out of Gomal Survey No. 14 in the Malagar village, Chickmagalur Taluk.

Call for file
ed
6/6/94

Draft
Rejd
Letter
Slip
11/6

In favor
Deputy Collector
22

Petr alleges error in illegal
levy and in English
letter received in reply
to petition
Petn for review
L.R. 90 - 92 - 3

Please prepare
a brief note.
ed
4/6/94

(General Serial No. 32.)

1894.

No. 2653

Name of Petitioner. Syed Ghouse Mohideen

Village. Mirjanadi Babobeedan Phoot

Taluk. Chickmangalur

District. Kadur

Date of Arst. 7

Date of Receipt. 7-5-94

Date of Disposal.

No. of Enclosures. Page 7

ABSTRACT.

Petr requesting that the Deputy Commissioner's letter no. 306, dated 17th January 1894, rejecting his claim for exemption of Bantwalla Nemmar, Sampigepalla Nemmar, situated partly in Kallipuri village & partly in Kadagarahalli village & Kadagarahalli village & Kallipuri Chickmangalur taluk, & refusing the Cowle to be sold on 26th February 1894, may be cancelled & the Deputy Commissioner directed to levy

on Lord

Petitioned -

There were disputes in office and
farm Nos 4 in Mulagan village - It was
going vacant in the last 12 years & shown
in the account as fort vacant - Petr
claimed it as being part of an Estate
called Bantwalla held 3 his grandfather
first under Mortgage deed, & then and
afterwards under a Puta dated
in 1860 - The Deputy Commr held that the
Puta produced was a good mortgage
and not Malgan and that there was no
proof that Petr's father owned the land
in question - and directed sale, which
took place on 27th Dec 94
Petr appeals on the following amongst
other grounds :-

1) that the boundaries of Bantwal Malgan
have since undergone a change

2) that Mirjanadi village is excluded from
of possession under Mortgage deed, therein

3) that the Deputy Commr overlooked provisions
held under the orders of the Collector
in 1889 & upon which Petr in his favour

4) that Petr's claims have been attended
but remained unadjudicated pending
a decision of the Revenue

Pet
2005

MYSORE DEWAN'S OFFICE. 15-6-94

PETITION DEPARTMENT. (3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2653.

~~dated~~ without date received at the Dewan's Office from Syed Ghouse Mohideen, attigoondi, ~~Bodinayakkanur~~, Chickmagalur Taluk, appealing agt. the Dy. Commrs order regarding his claim to the land survey no. 14 in Malagar village, Chickmagalur Dt. is forwarded, together with its ~~two~~ seven enclosures, to the Dy. Commissioner Kadur District for submission of the entire proceedings connected with the case.

2. The petition with its enclosures should be returned.

By Order,

Draft

Bangalore, 6/6. for Chief Secretary.
June 189 4

Council order
S.R.R. 11/6.

M.G.C.P, Bangalore.—3-5-94.—1,000.

complete settlement in favour of the
whole land in the above mentioned
villages.

27

Engthing in detail in English.

Deputy Commissioner's Office

Kadur District

Encs 8. Dated, Chickmagalore, 3d July 1894.

Recorded separately

From

The Deputy Commissioner

Kadur District

To

The Chief Secretary

to the Government of Mysore

Sir,

Adverting to your Official Memo No. Petition 2605, dated 6th June 1894, forwarding for submission of entire proceedings petition No 2653 from Syed Ghouse Mohadeen, Attigundi, Chickmagalore Taluk, regarding his claim to Survey No. 14 in the Malyan village, sol on dankhast, I have the honor to submit herewith the entire

proceedings called for in the above.

2 The petition with its enclosures are herewith submitted.

I have the honor to be,

Sir,

Your most obedient servant

Asst. Deputy Commissioner

Kaduna District.

2005

(General Serial No. 30.)

1894.

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 3d

Despatched 9th July 94

Received

Enclosures No. 8 records.

General No. 18 } 1894-95
No.

Submitting entire Proceedings in connection with Petition No. 2:53 from Syed Ghouse Mohaideen Sirigunai, Chikmagalur Taluk regarding his claim to Survey No. 42 in the Marigin Village Kolai on Kadur East.

Buff. file

To. 1/3/94

28

141

ACCOUNTANT'S OFFICE.
PETITION DEPARTMENT.
REG'D. N. 2653 C
DATE 7-3-94

Leave
Uden Encl

To
Sir C. Sankaran Nayar K.C.I.E.
Dewan of Mysore

A.S. No 121 of 93-94

Appeal Petition of Syed Ghouse Moideen regarding Attachment of the Bandaratara Pidar of Shimoga.

Most respected Sir,

In the above appeal petition I most respectfully beg to present this my humble appeal in the matter of an appeal order dated 17 January 94 Exhibit II issued by the Deputy Commissioner Kadur Dist on my Petition dated 7 December 93 Exhibit I, presented by me to him, praying to cancel the said notified by Govt in the Gazette, of a portion of my Estate situated in the Community called Moodalli, or Kaudi formerly in Kotagani Village and now in, and extending over the two present villages called Malgar and Kotgani of the late Lakkaraj now Shimoga Taluk of

Lanthada Khanoo, Amsaid Yemoo of Malgar, comprising of all the virgin jungle land attached to foot of the Bababoodun Hills, or immediately adjoining to the Inamaty Lands, now held by my uncle Ghousha Khadri Esq. Mahomed Khan Bahadur Sthigoondi, were belonging and enjoyed by my father the late, Syed Ali Shekadri since 1855, on Mokteir Say, paying tax at Mallab system to Government, according to the then regulations of Government, and the practice then prevalent in all of the Mysore Province for the planting of Coffee, On the right of his Mokta Say my father applied for the whole land on Darkhast which was granted to him by Government. In 1860 he applied to Government for the granting to him of the necessary Pattas as ordered and required ~~that~~ about that time by Government. He mortgaged a portion of this Estate to one J.J. Coel of Bangalore for Rs 10000. In 1860 my father suddenly died leaving two very

young children myself, my elder brother Bathsha Moideen and two mothers, the management of the properties having been entrusted to his brother Khan Bahadur Gaushakhadri, who also became guardian of our family. In 1867 our guardian Khan Bahadur Gow Shakadri obtained in the name of my elder brother Badsha Mohideen Shekadri and two mothers, three separate Pattas for the whole lands from Government, dividing it into 3 plots viz Kenan Channoo Doda Patta Badrisee Thotta, and Irua Sal Jemmo, making large deduction in favour of his Inamatty Lands, which are attached to this property. As a portion of the property was mortgaged to Mr. J. J. Coelho as stated hereabove, the 1st Revenue Survey was conducted entirely at the instance of Khan Bahadur Gow. Shakadri owing to our minorship, and the without paying due attention to our interest ~~but~~ included as much land as possible to his Inamatty. My

of the Kadur District, since the partition of the village on the introduction of the Revenue Survey ... in ... this Province, merely on an application of Ramdas, which I now learn was made by an outsider misrepresenting the land in question viz. Survey No's of the Kalegaon village to be Government waste. The measures taken and proceedings adopted by the Deputy Commissioner notwithstanding the facts stated in my letter to him, were no summary in carrying out the sale which has already taken place on the 29th instant, that I humbly beg to crave for the protection of Government to save me from the ruin of this original sale which I humbly pray Government may be so gracious as to cancel on a reference to the immediate records, which I beg to submit herewith, and also take into favourable consideration all the circumstances connected with the case, which I beg to lay before Government.

The Estate of Moorhattai formerly called Ramrad Jaima of Kalgaon

brother Badame thereafter too assigning with my consent applied for and obtained 80 acres of land in his separately in his name. In, by the right, interest and title in the mortgage conveyed to said J. J. Beetle was purchased by one said R. H. Reid of Chicamgatine who brought a suit against me for its foreclosure in 1885, and obtained a decree of the Chicamgatine District Court in his favour. said R. H. Reid in 1887 took possession of that portion of the Estate, which was given in mortgage in favour of said J. J. Beetle, by execution of the decree through the Chicamgatine District Court of Chicamgatine. said R. H. Reid has been given possession of the Survey No. transfered in his name, and for which I am paying assessment on the Kolagani Village. The greater portion of the rest of the land belonging to me remains uncultivated, the old standing having gone in complete deterioration which has subjected me to a heavy loss owing to the delay which has taken place in carrying out the

Reserve and settlement although
several orders for such reserves were
issued by the late Deputy Commis-
sioner at the proceedings taken by
Mr. P. E. Reid. I could not proceed
upon the authorities to carry out the
reserve in respect to the lands belong-
ing to me for this long time owing to
the pending of the settlement of disputes
between the Government and Kham-
loops Indians for these reserves
than in setting the boundaries of the
reserve land belonging to the latter,
as many portions of my land are
affected by it. I had hopes to get a
reserve and proper settlement made
of my lands during the time of these
two last named and by Government
as stated by the late Deputy Commis-
sioner Sproat in 1879 at the in-
stance of Mr. P. E. Reid. In fact the
Indian Reserve Commissioner and the
Colonial Surveyor were sent in 1879 to
Kamloops and Okanagan to hold an inves-
tigation in the matter of the boundaries
of Kamloops and effect a reserve and

submit the case for settlement. The Assistant and the District Surveyor ascertained the matter and found all the land held in the present Kotigaons and other villages belonging to me. The Assistant Collector Gaikwad further observed in his report that the disputed Survey extends over the present Kotigaon and other villages. The reports and records were submitted by the Assistant to the Deputy Commissioner who ordered that as the Government has found that there is a mistake in the old Government Survey maps of the Kotigaon villages compared with other villages, the Ahmednagar first receipts and that during the settlement of the Inamdari lands the taluka should be submitted for the settlement of the claims of all the parties concerned. The original proceedings have not to this date taken place on the part of Government in settling this matter.

The petition addressed by the Deputy Commissioner to Government from

such a place as I claim is in enc
-lence and belongs to me and not
to substantiate the whole area or
boundaries of the lands I enjoy. The
true and proper boundaries are mar
-ed on the original Darkhast of my
father Exhibit marked III which was
Confirmed by Government, the bound
-aries mentioned herein being un
-disputable conspicuous land marks
It will be found from the Govern
-ment Survey records that the Surv
of my lands in Kallgani village
has taken place in or about 1862
1863 when I was quite a child and
even the Pattas obtained by my uncle
Khan Bhadur Gow Shakadi under
the circumstances fully explained
hereabove were granted in 1867 or
date of the Patta, such being the ca
the pattas relating to my lands do
not appear in the Survey record wh
took place prior to 1867. The three

pattas obtained by Khan Bahadur Gow Shakhadri in the name of my brother Badsha Mohideen are duly registered in the Government Cattle register Book, copies of which will be submitted if required. The Government Survey record will show that the division of the village Kollgane into two viz. Kollgani and Ellalgar took place between the years 1862 and 1867 and hence it is clear that the pattas in question were entered to the Khatta of the former village as before, leaving aside most of my land as appearing from the boundaries in the original Darkhast which was divided during the Survey, and included in the newly created village of Ellalgar. The dividing of the villages without the consent of the parties interested to suit the convenience of Government has given cause for this confusion. It is a great hardship on me that the division by Government of the one

his order dated 7th January 1926 Exhibit
"B" by which he directed proceedings
are not only irregular but are contrary
to common justice and usage and opposed
to all the public record existing on the
subject.

The Deputy Commissioner then
proceeded my petition after three months
by:-

1. That the Data presented by me
is not appearing in the Survey record
nor it is mentioned in any of the Lin-
-ga Bhadra except that of Kottgane.

2. That I have not produced
any evidence as to the dividing of Kot-
-tane village into two by Government
since the introduction of the Survey
& Settlement and Kottgane village.

3. That the land in question
has been cultivated for more than 12 years.

Now as regards the reasons
assumably by me to submit that the Patta
granted by me before the Deputy Com-
-missioner was unjustly to show that

village into two should be made a proper
the deprive me of those portions of my land
which have been included in the other vil-
-lage. All the lands appearing from the ori-
-ginal Darkhast having been held and en-
-joyed ever since the time of my father viz
Mogtar Sing for which no halla was required.
I humbly beg to submit that the question
now raised in respect to pattas is immaterial
The estates should be treated as khapkuran
Warg lands and considered to be one and
the same although it is divided now into
two villages to suit — the convenience of
Government. During the ongoing held en-
-quiry by the Amildar and the District
Surveyor in 1889 under orders Exhibit IV of
the late Deputy Commissioner, the only
witness examined was Khan Bahadur
Gowdhakadu etc and he has in his de-
-position Exhibit VI plainly stated that
the land in question extends over the two
present villages viz Kallyani and Chagan
although he had originally claimed these
villages too to belong to his Inamathy.
The Amildar has on the completion of his
investigation submitted his report Exhibit V

to the Deputy Commissioner.

2. Ordered. That the Kallyanee village be divided into two, during the summer season as in fact not only quite lawful but also necessary by public record. The Government Survey record shall accordingly be carried out. And notwithstanding this that the Deputy Commissioner should any time hereafter be satisfied by evidence to the contrary to a statement made by any person.

3. Ordered. That the land remains unassessed for more than twelve years and after being made one of the grounds to [illegible] I humbly beg to state to the full explanation and particulars given in detail in the two foregoing paragraphs of this petition, explanations which I have the avoided mentioned unnecessary, are I hope may be found quite satisfactory and sufficient to prove me from all blame and entitle me to every indulgence and protection at the hands of Government. In passing this present order on the subject against me I believe that the Deputy Commissioner has not opened to or taken into consideration

all the material and important work of 1889 made by the late Deputy Commissioner Mr. Abercrombie in ordering both the District Surveyor. Exhibit IX and Amedian Exhibit VII to complete first the other important work and then submit the records for the settlement of my land in Kollgane and Malgar. These records I am confident will point out that the delay in the settlement has occurred solely through the act of Government and no blame could justly be attached to me. The Government may be aware that during the operations of the first survey which has so taken place in this Province of the Lands gross mistakes made occurred and the government has therefore on the applications made by each and all aggrieved parties invariably given orders for the resurveys and rectification of such lands, according to the limits of each of the holdings as borne out by original records and

in and now that a sale of a
portion of my lands, notwithstand-
-ing my protest and application
made to the Deputy Commissioner,
would take place before I could,
under the circumstances already
stated, avail of the benefit of this
order as ordered by the said Deputy
Commissioner is not only a real
hardship upon me but shall sub-
-ject me to the loss of a larger
portion of the valuable property. I
therefore humbly pray that the
Government may on a kind con-
-sideration of all the circumstances
and perusal of the papers here-
-with submitted send for the records
from the Deputy Commissioner of
[illegible] and be pleased to cancel
at an early date the sale and order
[illegible] of the places as per
boundaries of the original enjoyment
and holding by virtue of Mokttair
Sap as appearing from the English
rent order the Deputy Commissioner

to complete ye Allotment on ye whole Land in the abovementioned villages for which act of justice we shall remain ever grateful &c.

I beg to Remain
Most Respectfull Sir,
Your most obl'd & humble Servt.

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
13 JUL. 95
R 54

1895

From The Deputy Commissioner Kadur District

To Revenue
The ~~Chief~~ Secretary to the ~~Devan~~ government of Mysore.

Dated 2nd
Despatched 3rd July 1895
Received

Enclosures No.

General No. 3 } 1895-96.
No.

This office docket No 18 dated 4th July inst, submitting Vernacular proceedings on the appeal of one Lingappa Naikadem of Attigunda against the grant of a coffee land at the Malagar village in the Chikmagalur Taluk.

Have the honor to request the favor of being furnished with copy of the Government decision passed in this case as Mr C. Srinivasa Rao, who has applied for a pecuniary of the land in dispute, states that Government have already passed

Draft

1.

Cs.

(8)

Read:-

L.R. 90-93-7

Petition no 2653 with enclosures, from one Syed Gouse Mohadeen of Attigundi, Chikka--magalur taluk, Kadur Dist., appealing against the orders of the Deputy Commissioner of Kadur rejecting the claim of petitioner to Coffee land survey no 14, and ordering its sale in public auction, wherein one C. Sreenivasa Rao bought it

(2). Proceedings in re the above case submitted by the Dy Commissioner of Kadur in his letter no 18 dated 3rd July 194.

— Order R. 2290 / P.F. 3295 dt 22.8.

The appellant did not appear in person at the time of hearing. The voluminous record forming this file was perused. The respondent, C Sreenivasa Rao

through his pleader Mr. C.B. Gopala Rao, was not called upon for any statement.

2. The appellant urges a claim to survey no. 14 which has been sold to the Respondent for coffee cultivation. The ~~appella~~ appellants' father is said to have sparsely planted up these parts when the halat system was in force, and a patta would appear to have been given out for these lands on which coffee plants were found. But there were two subsequent settlements, viz, the coffee acreage settlement, and the survey settlement. In neither of these, the ~~p~~ Petitioner or those through whom he claims, seem to have set up any right. The result was that the land which was numbered 14 in the village of Mulagaru was reserved as gomal land. On an application by the Respond-ent the Deputy Commissioner decided to give the land for

final orders rejecting
the appeal and which
have not yet been received
in this office.

Deputy Commissioner
Radium District

189 5-

No. 1274

Name of Petitioner, Chamanna and oth

Village, Mealagar Hobli

Taluk, Chickmagalur

District, Kadur

Date of Arzi, 1-10-95

Date of Receipt, 3-10-95

Date of Disposal,

No. of Enclosure,

ABSTRACT.

State that the inhabitants of the above village were enjoying the right over the surrounding jungles, and Gomal & foot paths round their dwellings, prior and after the Survey settlement that lands in Survey No 14 containing a Temple and a ca where people resort to worsh have been applied for and sold by auction to C Seeni Rao for Coffee cultivation; that in addition to the lands bought

5274-5-
R 7-7-93
Subsp
11/10 L.R. 90-93-8

The alienation of Gomal Land ton of Sr 14) referred to was sanctioned by Govt in Sept 1893 Subd to the Rev Secy with refer

Deputy Commissioner
13-10-95

Mr Mills Dy C
Comg Kadur
Report
Urgt
11/12/95

Do K & Q
12-12-95

Drafted
Drk
13/12

bought in auction sales. Mr Sreenivasa Rao has encroached upon Govt lands from 20 to 30 acres in survey No 14; that in these said encroached lands are situated the manual foot-path, shrine of Mari festivity, the water course, the Gomal and all the foot-paths from Holagheri; and that thus the villagers are hemmed on all sides.

Pray that orders may be issued to the Dy Commr, Kadur Distt, to survey & measure the above lands and give them to the Darkhastdars with the exception of the encroached Govt lands and the following places:-

a) The Temple and cave as set forth above together with the paths through which the villagers have to pass;
b) The place set apart for the celebration of the Mari festival;
c) The Gomal foot-paths to their individual gardens & the foot-paths from Holagheri.

Further state that partiality is prevalent whereby the rich Darkhastdars derive all the advantage leaving the Patel and other poor Ryots in the background

bbbb. 4/10.

67

coffee cultivation, and this action was confirmed by Government in Order No 524-5 of 13-9-93
R.T. 93

The appellant claims ~~a~~ land as claim whatever for this land, Survey No 4, and as he is also absent, the appeal is rejected.

Hole
20/8

Revenue Secretary

(C2 & C3)

lelk
20-8-95

To
The Deputy Commissioner
Kadur Dist
returning the records.

× sent by parcel.

S1

That if your excellency does not take
humble petition into consideration, but
the matter alone, the said Convicts Ram, a
other his people with their whole family
will with the day, and we the poor inhabitants
have to leave the place in which we were
peaceably living since generations, on account
of the income there that will be raised by
labourers will be encroached upon and given
to them.

5 That therefore we humbly pray your
excellency will please to direct the
Deputy Commissioner of Kaira District
survey measure and give the lands to the
Dublashis as per our humble request
Otherwise we will have to appear before the civil
for redressal set forth in para 3. Your
excellency may please to do the
except the encroached lands, others may be
given to the said Dublashis the following
be set free or given to the villagers.

(a) The temple and cattle shed set forth in para
and path through which we have to go to
(b) The place where we celebrate our marriage
festival set forth in para 3
(c) The Gomal, footpath to our individual gar
as the old site of our Holy tree set forth in

6 That except the encroached lands set forth
in para 3, and those set forth in a, b, c in para 5, a
all such places as might cause inconvenience
to us, all other lands may be given to be given
to the Dublashis.

7 That there is much partiality going on here
because some Dublashis have been sent within
recently for lands and others have been given
them before by because they are all rich
people. But the Patel who is poor had also given
a Dar Khast and three days after petition also
for grant but to no avail this Dublashis was not taken
notice of by the Collector, though this Dublashis aged about
ten months.

We most humbly pray that your excellency
will please to consider this humble petition
generously, and oblige us by patronizing us.

We remain
Excellency's
Your most obedient humble servants

+ 1 [illegible]

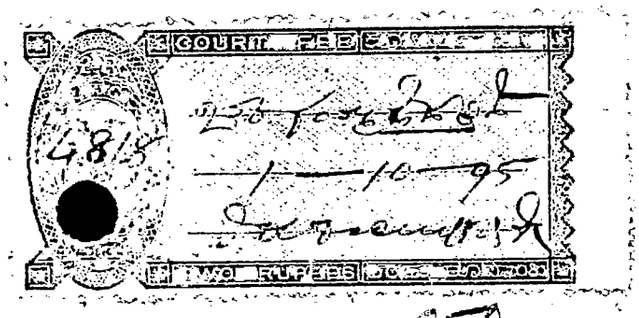
+ [illegible]

[illegible]

Dated October 1895

+ 13 [illegible]

Rec'd 6 pool rupees
3-10-95



Copy

127/r

In Execution of the Decree dated 6.4.94 in Original Suit No. 127 of 1894 on the file of the Court of the Subordinate Judge of Mysore.

MYSORE DEMARCATION DEPARTMENT.
REGD. No. 1274
DATE 3-10-95

The humble petition of [illegible]
The Head of Mahagaravalli and others residing in the village of Mahagaravalli Hobli Nagamangala Taluq
Mysore District

Most Respectfully sheweth:-

I That the inhabitants of the village of Mahagaravalli have been peaceably living in the enjoyment of the Government from time immemorial and enjoying the rights over the plots of waste and pasture lands, roads, about our dwellings and our village generally in accordance with the Survey Settlement.

2 That the Criminal Respondents, and some other high people, desirous to put in a Dastkat for land in Sy. No. 1 of Cultivation. According to their Dastkat a sketch map was made out the lands were included, in which the said where the people is, to which the people occasionally go to and the same purposes are included. The lands have been taken possession of and have been put in by Criminal Respondents.

That not only he has taken possession of the aforesaid lands by due survey, but also has encroached of his own accord about 20 or 30 acres in the said Sy. No. 1 of the Jungle without the Consent of the Government or the people. In which that is in these 20 acres the Manual footpath, the Mamool land in which the Mari festival is performed, the water course, the Gomal, and all the paths coming from Mahagaravalli that is close by are included. Causing no [illegible] and are all closed in walls on all sides with [illegible]

Pet 1134 Rec. one 20-12-95 14-12-95

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1276

dated 12th December received at the

Dewan's Office from Deputy Commissioner

Kolar

is forwarded, together with its

enclosures, to the Deputy Commissioner

Kolar District for

disposal.

By Order,

Chief Secretary

BANGALORE,

14-12-1895

14.

M.G.C.P.E.—18-2-95—1,000

1134

Gen. 31]

REVENUE DEPARTMENT
Cl. No. 9395
1896 JUN 18
NEW MINS OFFICE

P.M. 32-95 in part
17/6

E3

Subject with reference to the 2nd Councillor's order on file

No. 274.
Ans.
18/6/96

18-6-96

L.R. 90-93-00

Mrs Macpherson called with reference to the above matter that the Royals have agreed in the proposal of Mrs S. Davis to let the case, be to road a the balance open to the public and that the Govt may cause many to the nearest after the survey he has ordered is completed

Mrs

15/7/96

15/7/96

Knight Brassard

15/7

From The Deputy Commissioner Land District of

To The Secretary for Mines Mines and Revenue Wellington.

Dated 12th June 1896

Despatched 13th June 1896

Received

General No. 1896/2240
No. 1896/2240

Enclosure No. one

Reporting on the petition of Alexander Gunn and others of Otaki, Native Assessor Otaki, stating that they Crown Tenants, occupy Crown Land and portions of road lines in the Block of the Land Purchase, which has been surveyed, and asking that the same may be granted to them in fee simple.

Rec 15/6

15/6

Land Act 1892

17/5

Mines Instruct 2240
P732-95 22-5-95

54

Deputy Commissioner's Office
Madras District
Chittoor, 12th June 1896

From

The Deputy Commissioner
Madras District

To

The Secretary to Government
General and Revenue Depts

Sir

With reference to your official memorandum No. 1134 Rei dated 4th December 1895, forwarding for report, petition No. 1274 received from Venugopala and other ryots of Malagan, Chittoor Taluk, stating that Mr. Srinivasa Rao, Coffee Planter, has encroached upon Government land and portion of official survey No. 4 of the said village, where Main Street, i.e. to Tirupati and there a temple and cart, resorted to by the Hindus for worship etc., I have the honor to report as follows:-

1 Mr. Srinivasa Rao, Coffee Planter, applied for, for coffee cultivation, 205 acres and 25 cents of official survey land survey No. 14 (Extent 4.75-4 acres) of Malagan village Chittoor Taluk. Upon inspection of the land I directed to give out the land for cultivation and accordingly Tahsildar general, reported to Government, which was sanctioned. Vide Proceedings No. 5274-5 R3 7-93 dated

dated 5th September 1893.

2 S5 The land was duly put up to auction and Mr Srinivasa Rao purchased it for Rs 2557/. The sale was confirmed by me on 25th March 1894.

3. Subsequently, one Syed Ghouse Mohideen of Bangalore, put in a claim for survey No 4, which, after necessary enquiries, I rejected. He having appealed to Government against my order, his appeal was rejected. Vide Government Proceedings No $\frac{2230}{P.J.\ 32-95}$ dated 22nd August 1895.

4. The gist of the complaint of the petitioners, upon which I am now reporting, is that the land on which there is a cave and a temple, a water course, a manual well and where Mari Settiyal is said to have been encroached upon by Mr S. Srinivasa Rao.

5. As Mr Ramachandraiya, Extra Assistant Commissioner, who had acted to inquire the case and, report, was not able to give, I directed the Assistant of the Chintamani Taluk to make an inquiry of the land

feast they like and that they can make free use of the path and road which he will open in his estate. The petitioners state that as Mr Srinivasa Rao has conceded to them the above rights, they have no objection now to the land being given out to Mr Srinivasa Rao. Mr Srinivasa Rao, also stated that he will not object to the making use of the water course. About ⅓ of the jungle has been opened and the rest has not been touched. After the land given by Kacha measurement, is surveyed, it has to be seen whether Mr Srinivasa Rao has made any encroachment."

7. The resurvey has been ordered to take place as early as possible.

8. The petition is herewith returned.

I have the honor to be

Sir

Your most obedt Servant

Sd/ Stt Sparks

Deputy Commissioner

Kadur District

with the petitioner and Mr. Chinnaba
Rao and defendant. ——————— objection.

6. The Answer in this petition No. 745 dated 1st August, reduced as follows:-

"I objected the land with the petitioner and Mr. Chinnaba Rao on the 1st issue and found as true case, a named matta of Madhira, Bhattana Gadige (a stone dairy placed underneath a tree), place where Mari Gatha is held, a pathway and a water course to exist in the land given to Mr. Chinnaba Rao. Part of the jungle where the cave and the Gadige exist, has been cleared and planted. The pathway has been kept open for the use. The respondent to visit place Gadige for worship whenever they visit Mr. Chinnaba Rao objected to petitioner with the petitioner, stating that he will allow all the villagers to go to the place where there is a matta, Gadige, and the place where festival is held and to celebrate any

feast

(14)

ST Proceedings of the Govt of Mysore

Read:—

L.R. 90-93-11

Letr No. 274 from Devaraj Gowda and Sons of Malagar village, Chickmagalur Taluk, stating that Coffee-planters Mr C. Srinivasa Rau ~~has~~ formal purchased a portion of S. No. 14 of the above village, and has encroached upon about 200 to 300 acres of the same S. No. and requesting that the public should be allowed free access to the temple, the cave, the place where the Mari Jatra is usually held, the toll-gate and the watercourse, which are all included in the portion which is now in Mr Srinivasa Rau's possession.

2. Letter No. 8725/12/6/90 from the Asst Commr Kadur District reporting that the Amildar of Chickmagalur Taluk inspected the land and found a Stone cave, a ruined ~~Pett~~ wall of Mooliah, Bhoothana paddige, a foot-path, a watercourse and the place where Mari Jatra is said to exist in the land granted to Mr Srinivasa Rau, that Mr Srinivasa Rau has erected a

a Mudaliyâr ~~on the presentation of~~ agreeing to ~~the Petrs to the effect that he would~~ allow the villagers of the village to the places where the water and the paddiyâ stand, ~~and~~ to the place where they Jatra is held, and ~~that he would also allow the Villagers~~ to enjoy such easements and to ~~make free~~ use of the paths and roads ~~which there are~~ situated on his estate; that as Mr Srinivasa Roy had granted the above rights the Petrs have no objection to the grant of the land to them; and that an early resurvey of the land has been ordered.

Order thereon: — No. 1135 Rev. I. of 28/31-7-96.
P.F. 32-96

Recorded.

2. It is observed that the raiyats have acquiesced in the proposal of Mr Srinivasa Rau to ~~keep~~ Keep the cave, temple, road and watercourse open to the public. The Mr Commissioner should do the needful after the survey, which he has ordered, is completed

By order.

28-7-96

Draft of 1 to 4
B/2 & mb
herewith

Draft
AS. 24/7

Secretary, Govt.

To the Mr Commissioner, Rev. Dept.
Cattle Entered with my [illegible] dated 24/7

30-7-96

60 ನಂಬರ್ 1974

(13)

L.R 90-93-12

28-7-96